

MR SANDLESS FRANCHISE LLC, ETANO

Plaintiff(s)

Index # 07 CV 11501

- against -

Purchased January 30, 2008

MR. DUST FREE, ETANO

Defendant(s)

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

DAN KNIGHT BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on February 4, 2008 at 09:45 AM at

46 WHITMAN COURT  
PRIVATE HOUSE  
MIDDLETOWN, NY 10941

deponent served the within SUMMONS AND SECOND AMENDED COMPLAINT; RULE 7.1 STATEMENT on ALLAN MCCLAIN therein named,

**AFFIXING TO DOOR** by affixing a true copy of each to the door of said premises, which is the Defendant's dwelling house/usual place of abode within the state. Deponent was unable, with due diligence to find the Defendant or a person of suitable age and discretion, thereat, having called there on:

January 31, 2008 AT 8:50 PM

February 2, 2008 AT 3:00 PM

February 4, 2008 AT 9:45 AM

**MAILING** Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's last known residence at

46 WHITMAN COURT  
MIDDLETOWN, NY 10941

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on February 4, 2008 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

Spoke with MRS. RIVERA, NEIGHBOR at 44 WHITMAN COURT MIDDLETOWN, NY who stated that the Defendant lives at the aforementioned address but was unable to divulge the Defendant's place of employment.

**MILITARY SERVICE** Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: February 4, 2008

JOEL GRABER  
Notary Public, State of New York  
No. 02GR4699723  
Qualified in New York County  
Expires February 10, 2010

JOSEPH KNIGHT  
Notary Public, State of New York  
No. 01KN6178241  
Qualified In New York County  
Expires November 26, 2011

JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR6156780  
Qualified in New York County  
Expires December 4, 2010

  
**DAN KNIGHT**

Invoice #: 456214